

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cheyanne Ralph	Team: Squad #16	CCRB Case #: 201602747	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 02/18/2016 10:26 PM, Sunday, 03/20/2016	Location of Incident: § 87(2)(b)	Precinct: 67	18 Mo. SOL 8/18/2017	EO SOL 8/18/2017	
Date/Time CV Reported Mon, 03/21/2016 5:10 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 03/31/2016 10:39 AM		
Complainant/Victim	Type	Home Address			
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)			
Witness(es)	Home Address				
§ 87(2)(b)	§ 87(2)(b)				
Subject Officer(s)	Shield	TaxID	Command		
1. POM Christian Cayenne	2135	954620	072 PCT		
Officer(s)	Allegation			Investigator Recommendation	
A.POM Christian Cayenne	Abuse: Police Officer Christian Cayenne threatened to arrest § 87(2)(b)			§ 87(2)(b)	

Case Summary

§ 87(2)(b) filed her complaint on March 31, 2016 via telephone with IAB. § 87(2)(b) reported that at the time she was in an ongoing dispute with the owners of § 87(2)(b) in Brooklyn. She was still residing in the building despite the fact that she was no longer the owner. On February 18, 2016, at a time determined by the investigation to be 10:26 a.m., Officer Christian Cayenne and Officer Enrique Vales responded to the § 87(2)(b) floor of § 87(2)(b) in Brooklyn. Officer Cayenne threatened to arrest § 87(2)(b) if she entered the building again (Allegation A). No arrest or summons was issued.

The case was originally assigned to Inv. Daniel Smith. The case was subsequently assigned to the undersigned investigator on April 24, 2016 upon his resignation from the agency.

Several videos of this incident, recorded by § 87(2)(b) were added to this case as video evidence. A SnagIt copy one of the videos has been placed below (Board Review 4). Please note that the full video can be found at Board Review 05, and the transcription of this video can be found at Board Review 06. The footage was recorded via cellphone during the incident on February 18, 2016, and was provided to the CCRB by § 87(2)(b) on April 24, 2016. The footage contains both video and audio and is three minutes and six seconds long.



2016-06-06_16-39-16.mp4

Mediation, Civil and Criminal Histories

- Because § 87(2)(b) expressed a desire to file a civil suit, this case was rendered ineligible for mediation.
- § 87(2)(b) has no arrest history. Thus, an Office of Court Administration database check could not be completed (Board Review 01).
- No notice of claim has been filed in regard to this incident as of June 6, 2016 (Board Review 02).

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s first CCRB complaint (Board Review 3).
- PO Christian Cayenne has been a member of service of the NYPD for two years and has had no prior CCRB complaints filed against him.

Findings and Recommendations

Allegation A- Abuse of Authority: Police Officer Christian Cayenne threatened to arrest § 87(2)(b)

At the time of her CCRB statement, § 87(2)(b) provided video footage that she recorded when officers responded to § 87(2)(b) in Brooklyn. In the video, § 87(2)(b) can be seen speaking with Officer Cayenne and Officer Enrique Vales about entering her apartment. Officer Cayenne responds by telling § 87(2)(b) "If you wanna go in there illegally, you can be arrested" and "If you go in there, it is

possible that you could be arrested for trespass." § 87(2)(g)

In his CCRB interview, Officer Cayenne stated that when he and his partner Officer Vales arrived at the location, § 87(2)(b) informed them that she had been locked out of the residence by the New York City Sheriff or the City Marshall, and that she wanted to gain access to the building. § 87(2)(b) showed the officers a document that said that she was a tenant in the building and had an ongoing dispute with the Sheriff's or Marshall's Office. The document also added that § 87(2)(b) was not allowed to enter the building without the authority of the Sheriff or Marshall. Based upon the court order she provided him with, Officer Cayenne determined that § 87(2)(b) did not have authority to be in the building. As such, Officer Cayenne explained that he informed § 87(2)(b) that if she were to be found inside the residence, she would be in violation of the court order and would be subject to arrest at the time of offense or a later date (Board Review 08, Board Review 09).

In her statement to the CCRB, § 87(2)(b) admitted that the building, which once belonged to her, had been purchased by another party after it went into foreclosure. She conceded that she provided Officer Cayenne and Officer Vales with documentation that stated that she was not the owner of the building, and that her name was not on the title for the building (Board Review 07).

§ 87(2)(b) who is the current manager of § 87(2)(b), provided a brief telephone statement to the CCRB in which he affirmed that there is a court order restricting the previous owner, § 87(2)(b) from entering the building (Board Review 10).

New York Penal Law 140.05 regarding criminal trespass indicates that a person is guilty of trespassing if s/he knowingly enters or remains unlawfully in or upon a premises (Board Review 02).

§ 87(2)(g)

Squad: 16

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

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